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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,185	08/09/2000	James S. Hiscock	SYNER-163XX	5742

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BOSTON, MA 02109

EXAMINER

BARNIE, REXFORD N

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/634,185

Applicant(s)

HISCOCK ET AL.

Examiner

REXFORD N BARNIE

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 25 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 2-7, 12-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 15, 2-7, 12-14, 16-21 AND 23-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

R. P. Barnie
REXFORD BARNIE
PRIMARY EXAMINER
05/27/04

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION
RESPONSIVE TO RESTRICTION REQUIREMENT

In response to applicant's selection of group II (claims 15, 2-7, 12-14, 16-21 and 23-24).

The rejection follows as above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 15 (2-7, 12-14, 16, 17, 20, 21) and 23-24) are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US Pat# 6,404,764) in view of Peters (US Pat# 5,933,775) or Shaffer et al. (US Pat# 5,991,387).

Regarding claim 15, Jones et al. teaches a voice over internet protocol telephone system and methods comprising a housing, a user interface and premise interface circuitry which can communicate with network systems including a POTS network and the internet via means of a controller system in (see fig. 4). Eventhough, the controller helps to establish communication between the user interface and premise interface, Jones fails to elaborate on the allocation of resources for communications as taught by Peters. Peters teaches a mechanism for providing wireline or wireless audio and control channels for an interactive system wherein resources can be controlled in (see cols. 4-9).

Shafer teaches monitoring and controlling channels to improve the interface of calls in (see fig. 7, col. 5 lines 15-22 and cols. 3-4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of (Peters or Shafer) into that of Jones thus making it possible to provide multiple services simultaneously or multi-media services.

Regarding claims 2-7 and 20, It's well known to use splitters or wall interface connecting telephone devices with AC/DC source to service providers and the examiner takes official notice to that regard. The combination teaches interfaces.

Regarding claims 12-14 and 23-24, The combination renders obvious the claimed limitations.

Regarding claims 16, 17 and 21, The combination including a network security subsystem and the examiner takes official notice that user authentication, encryption and so forth are known as means of avoiding fraudulent access to network services.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US Pat# 6,404,764) in view of Peters (US Pat# 5,933,775) or Shaffer et al. (US Pat# 5,991,387) and further in view of Vaugh et al. (US Pat# 6,661,893).

Regarding claims 18-19, The combination fails to teach the claimed subject matter but Vaugh et al. teaches a telephone loop monitoring system in (see col. 4) wherein status information can be reported to a user via a display means..

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Vaugh into that of the combination thus making it possible to take corrective measures or request help when necessary.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REXFORD N BARNIE whose telephone number is (703) 306-2744. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CURTIS KUNTZ can be reached on (703) 305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

REXFORD BARNIE

05/27/2004

R/Barnie

05/27/2004